

REMARKS

This paper is in response to the office action mailed March 9, 2005. Claims 1-22 remain under consideration in the application. Claims 20-22 have been newly added. The specification has been amended to correct a typographical error. No new matter has been added. Reconsideration and further examination of the application is respectfully requested.

The invention relates to a camera that uses flash illumination to assist the photographer in composing a photograph.

In the specification:

To correct a typographical error, please replace the paragraph beginning at page 4, line 21 of the specification with the following paragraph.

The preview mode or composition time may be initiated by the photographer using a control input (112) of the camera. For example, the camera may enter the preview mode when the shutter release button [[in]] is partially depressed. The control that initiates the taking of a photograph is often called a shutter release, even though the camera, such as a digital camera, may not have a physical shutter. Additionally, the camera may have a control such as a button, knob, dial, switch, menu selection, or other device that enables or disables the strobe flashes during the composition of a photograph.

In the claims:

Claims 1-3, 5-13, and 15-19 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pat. Application No. 2001/0043277) in view of Matsui (U.S. Pat. Application No. 2002/0048457). Applicant respectfully traverses the rejection because the examiner has not made out a *prima facie* case of obviousness. In order to establish a *prima facie* case of obviousness, "the prior art references (or references when combined) must teach or suggest all of the claim limitations." (MPEP 2143.)

Applicant's claim 1 recites a camera comprising a strobe ... the strobe flashing repeatedly during composition of a photograph. The examiner relies on Tanaka to supply the claim element of a strobe flashing ... during composition of a photograph, and on Matsui to show a strobe flashing repeatedly. Applicant respectfully submits that none of the cited references teaches or suggests a strobe flashing ... during composition of a photograph, and that the examiner's reliance on Tanaka is misplaced.

Tanaka describes a "pre-light emission" (flash) that takes place when the camera shutter release is depressed to a "half-pressed" "S1" state, and a "light emission" (flash) that takes place when the shutter release reaches a "full-pressed" "S2" state. (Tanaka, Fig. 12 and paragraph [173].) Neither of these "emissions" occurs during composition of a photograph.

A camera's shutter release generally reaches an S1 position in one of two ways. In a first scenario, the photographer depresses the shutter release to the "half-pressed" "S1" position, causing the camera to focus and select exposure settings (Tanaka, paragraph [59]), and then composes the photograph before proceeding to the S2 position. This method allows taking a photograph having its main point of focus other than in the center of the photograph. In this scenario, the S1 state is reached *before* the composition of the photograph, and Tanaka's "pre-light emission", which occurs substantially instantaneously upon reaching S1, would also occur *before* the composition.

In a second scenario (sometimes called "point and shoot"), a photographer aims the camera and then depresses the shutter release. In this scenario, the S1 and S2 states are reached in succession, and the camera takes a photograph immediately thereafter. The S1 state is reached *after* the photographer composes the photograph, and any "pre-light emission" occurring at the S1 state would also occur *after* the composition. This is true even if the photographer pauses at the S1 state without re-composing the photograph.

Neither of these scenarios causes S1 to be reached during composition. Tanaka implicitly supports this conclusion, noting that with Tanaka's system, "it becomes easy to *check* an image to be captured". (Tanaka paragraph [176], emphasis added.) One *checks* a single image *after* it has been composed.

Because the cited art does not teach or suggest all of the elements of Applicant's claim 1, claim 1 is believed allowable.

Claims 2-10 depend from claim 1 and add further limitations, and are therefore also believed allowable.

With particular regard to Applicant's claims 8-10, claim 8 recites a camera comprising a strobe and a display, and wherein the camera takes and displays preview photographs repeatedly on the display during composition of a final photograph ..., and wherein the camera flashes the strobe once for each preview image. The examiner cites Tanaka's Figure 12 and paragraph [173] as teaching a camera that flashes the strobe once for each preview image. Applicant respectfully disagrees that Tanaka teaches this limitation.

Applicant's disclosure notes that "[a] preview screen is typically an LCD display that displays successive preview photographs taken by the camera in a preview mode" (page 1, lines 20-22), and that "[w]hen composing a photograph, a photographer ... may watch a series of preview photographs on the display". (page 4, lines 3-4.) Thus Applicant's "series of preview photographs" is analogous to Tanaka's "live view", which is described as a view in which "an image of the subject is captured every 1/30 (second) by the CCD 303 (FIG. 4), and images are outputted via the image memory 209 and the like to the LCD 10, thereby performing live view display". (Tanaka paragraph [172].) Tanaka clearly does not teach flashing the strobe once for each of its live view images, and therefore does not teach flashing the strobe once for each of Applicant's analogous preview images.

As Applicant reads Tanaka, Tanaka's "preview display" is of a single "pre-light emission image" that results from a single "pre-light emission", and is therefore not analogous to Applicant's preview images, despite the similarity of terms used to describe them. (Tanaka paragraph [173] and Figure 12.)

Because Tanaka does not teach flashing the strobe for preview (live view) images, it also does not teach a camera that flashes the strobe more often than once for each preview image nor a camera wherein at least one or the preview images may use a different number of strobe flashes than another preview image, as recited by Applicant's claims 9 and 10 respectively.

The examiner's *prima facie* case is deficient on other grounds as well. A second requirement for a *prima facie* case of obviousness is that "there must be some suggestion or motivation, either in the references themselves or in the knowledge

generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings." (MPEP 2143.) "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985).

In the present case, the examiner notes in paper 03012005, page 3:

The Matsui reference is evidence that one of ordinary skill in the art at the time of the invention to see more advantages the electric flash device flashing repeatedly during the composition of a photograph so that the camera is capable of measuring the subject brightness accurately even when the amount of the light reflected from the subject is small. For that reason, it would have been obvious one having ordinary skill in the art at the time of the invention was made to modify the camera system of Tanaka ('277) by providing the strobe flashing repeatedly during the composition of a photograph as taught by Matsui ('457).

Applicant submits that this reasoning fails to explain why one in possession of Tanaka, which does not teach flashing a strobe during composition of a photograph, and Matsui, which also does not teach flashing a strobe during composition of a photograph, would have found it obvious to design a camera with a strobe flashing repeatedly during composition of a photograph.

Applicant's claim 11 recites a method ... comprising flashing a strobe repeatedly during composition of a photograph. As is explained above with regard to claim 1, Tanaka does not teach or suggest flashing a strobe during composition of a photograph, and so the examiner's *prima facie* case fails with regard to claim 11 as well. Claims 12-18 depend from claim 11 and add further limitations, and are therefore also believed allowable.

Applicant's claim 19 recites strobe means and logic means that flashes the strobe repeatedly during composition of a photograph. As has been previously explained, none of the cited art teaches or suggests logic means that flashes a strobe ... during composition of a photograph, and claim 19 is therefore believed allowable over the cited art.

Claims 4 and 14 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al. (U.S. Pat. Application No. 2001/0043277) in view of Matsui (U.S. Pat. Application No. 2002/0048457) and Iwai (U.S. Pat. No. 5,198,855). As has been previously explained, the examiner has not presented a *prima facie* case of obviousness because Tanaka does not teach the claim limitations for which it was relied upon and because insufficient motivation or suggestion has been pointed out for combining the references. These claims are therefore believed allowable.

Claims 20-22 have been newly added. These claims find support at least at page 7, lines 1-5 of the specification and in Figure 2. They depend from allowable claim 11 and add further limitations, and are therefore also believed allowable.

The examiner has made of record but not relied upon Higuchi (U.S. Pat. Application No. 2002/0025165), Maruyama (U.S. Pat. No. 6,421,506), Alston et al. (U.S. Pat. No. 4,647,975), Saito et al. (U.S. Pat. No. 4,860,108) and Hosaka et al. (U.S. Pat. No. 6,198,880). These references, taken singly or in combination, do not teach or suggest all of the elements of Applicant's claims.

Applicant believes this application is in condition for allowance, and such action is earnestly solicited.

Respectfully submitted,

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